

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

TERESA ROSALES,

Plaintiff,

vs.

MANHATTAN ASSOCIATES, INC.,

Defendant.

05 - 11442 PBS

CIVIL ACTION NO. \_\_\_\_\_

MAGISTRATE JUDGE RBC

RECEIPT # 63480  
 AMOUNT \$ 250.  
 SUMMONS ISSUED N/A  
 LOCAL RULE 4.1 1  
 WAIVER FORM 1  
 MCF ISSUED \_\_\_\_\_  
 BY DPTY. CLK. FOR  
 DATE 7/8/05

**NOTICE OF REMOVAL**

TO THE HONORABLE JUDGES AND CLERK OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS:

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1441 and 1446, defendant Manhattan Associates, Inc. ("Manhattan Associates") hereby removes the above-entitled action to this Court based on the following grounds:

1. On or about June 17, 2005, plaintiff Teresa Rosales ("Rosales") commenced a civil action against Manhattan Associates in the Middlesex County Superior Court, Commonwealth of Massachusetts, entitled Teresa Rosales vs. Manhattan Associates, Inc., Civil Action No. 05-2123, seeking damages in the amount of \$289,080.00, under a third-party beneficiary theory.

2. Pursuant to 28 U.S.C. §§ 1446(a), true and correct copies of all process, pleadings, and orders served on Manhattan Associates are attached as Exhibit A.

3. This Court has original diversity jurisdiction over this action under 28 U.S.C. § 1332, in that:

- (a) the amount in controversy as shown on the Complaint exceeds the sum or value of \$75,000, exclusive of interests and costs; and

- (b) Plaintiff and Defendant are citizens of different states. According to the Plaintiff's Complaint, Rosales is an individual citizen of Massachusetts residing at 42 Watson Road, Belmont, Massachusetts. Manhattan Associates is a corporation organized and existing under the laws of Georgia and it has a principal place of business in Georgia.

4. Manhattan Associates received service of the Plaintiff's Complaint and Summons on June 30, 2005. Having been filed within 30 days of the date of receipt of service, Manhattan Associates' Notice of Removal is timely under 28 U.S.C. § 1446(b). Murphy Brothers, Inc. v. Michetti Pipe Stringing, Inc., 526 U.S. 344, 354-55 (1999).

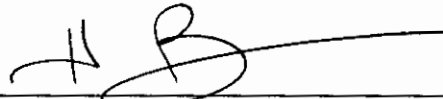
5. Pursuant to 28 U.S.C. § 1446, written notice of the filing of this Notice of Removal, together with a copy of the Notice of Removal, will be filed with the Clerk of the Middlesex County Superior Court, Commonwealth of Massachusetts. All adverse parties will receive a copy of the notice filed with that court.

6. Pursuant to Local Rule 81.1(a), Manhattan Associates will request from the Clerk of the Middlesex County Superior Court certified or attested copies of all records and proceedings in the state court, and certified or attested copies of all docket entries therein, including a copy of this Notice of Removal, and will file the same with this Court within thirty days after the filing of this Notice of Removal.

WHEREFORE, Manhattan Associates removes the above-captioned action pending in the Middlesex County Superior Court to this Court.

MANHATTAN ASSOCIATES, INC.

By its Attorneys,

A handwritten signature in black ink, appearing to be 'H B' followed by a long horizontal stroke.

Peter S. Brooks (BBO # 058980)

Heidsha Batista (BBO # 655263)

SEYFARTH SHAW LLP

World Trade Center East

Two Seaport Lane

Suite 300

Boston, MA 02210-2028

Telephone: (617) 946-4800

Telecopier: (617) 946-4801

DATED: July 8, 2005

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SUPERIOR COURT OF THE  
TRIAL DEPARTMENT  
CIVIL ACTION NO.

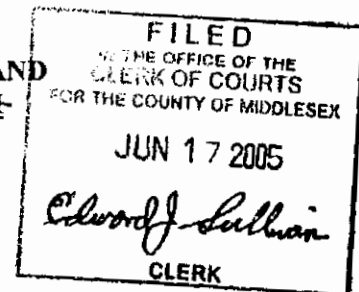
05-2123

TERESA ROSALES,  
Plaintiff

VS.

MANHATTAN ASSOCIATES, INC.  
Defendant

COMPLAINT AND  
~~JURY CLAIM~~



Now comes the plaintiff in the above-referenced matter and says as follows:

1. She is a resident of 42 Watson Road, Belmont, Massachusetts 02478.
2. Manhattan Associates, Inc., (hereinafter Manhattan) is a Georgia corporation having a regular place of business at One Burlington Plaza, Suite 272, at 67 South Bedford Street in Burlington, Massachusetts 02373.
3. By Order of this Court a Judgment was entered against the defendant Logistics.Com, Inc., in Civil Action No. 03-04886 on July 14, 2004. A copy of the Judgment and Findings of the Court is attached as Exhibit A.
4. An Execution issued on such Judgment on November 23, 2004. A copy of the Execution is attached as Exhibit B.
5. The defendant, Manhattan acquired Logistics.Com, Inc., and assumed certain of its obligations and liabilities by means of a purchase agreement dated December 13, 2002.

8121E000006/17/05CIVIL	240.00
8121E000006/17/05SUR CHARGE	15.00
8121E000006/17/05SUMMONS	50.00
8121E000006/17/05SECC	20.00

6. The litigation concluded against Logistics.Com, Inc., was one of the liabilities assumed by the defendant Manhattan under Section III Liabilities and Obligations of said agreement.

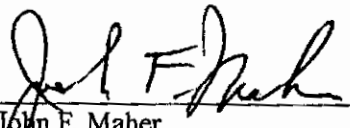
7. The plaintiff makes claim, therefore, against the defendant Manhattan Associates, Inc., as a Third-Party beneficiary of said agreement.

WHEREFORE, the plaintiff demands judgment against the defendant in the amount of the Execution attached as Exhibit B.

~~JURY CLAIM~~

~~THE PLAINTIFF DEMANDS TRIAL BY JURY.~~

Teresa Rosales  
By her attorney,

  
John F. Maher  
BBO #314100  
50 Pleasant Street  
Arlington, MA 02476  
Tel. No. (781) 641-4889

Date: June 16, 2005

JS 44 (Rev. 11/04)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

Rosales, Tercsa

(b) County of Residence of First Listed Plaintiff Middlesex County, MA  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address and Telephone Number)

John F. Maher, Esq.  
50 Pleasant Street  
Arlington, MA 02476  
(781) 641-4889

**DEFENDANTS**

Manhattan Associates, Inc.

County of Residence of First Listed Defendant Fulton County, Georgia

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorney's (Firm Name)

Peter S. Brooks, Esq.  
Hensha Batista, Esq.  
Seyfarth Shaw LLP  
Two Seaport Lane, Suite 300  
Boston, MA 02210-2028  
(617) 946-4800

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☐ 3 Federal Question (U.S. Government Not a Party)  
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                                       |                            |   |                            |                                       |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4            |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input checked="" type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R. R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS -Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights <b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to vacate Sentence <input type="checkbox"/> HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

**V. ORIGIN**

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding  
☒ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify) \_\_\_\_\_  
☐ 6 Multidistrict Litigation  
☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 USC Section 1332

Brief description of cause:

Contract - third party beneficiary hearing

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

**DEMAND \$**

\$289,080.00

CHECK YES only if demanded in complaint:

**JURY DEMAND:**☐ Yes ☒ No**VIII. RELATED CASE(S)** (See instructions):

IF ANY

JUDGE

DOCKET NUMBER

DATE  
7/8/05

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

American LegalNet, Inc. | www.USCourtForms.com

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) Teresa Rosales v. Manhattan Associates, Inc.
2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).
- ☐ I. 160,410,470, R.23, REGARDLESS OF NATURE OF SUIT.
- ☐ II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820\*, 830\*, 840\*, 850, 890, 892-894, 895, 950. \*Also complete AO 120 or AO 121 for patent, trademark or copyright cases
- ☒ III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- ☐ IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- ☐ V. 150, 152, 153.
3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.
4. Has a prior action between the same parties and based on the same claim ever been filed in this court?  
YES ☐ NO ☒
5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)  
YES ☐ NO ☒
- If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?  
YES ☐ NO ☐
6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?  
YES ☐ NO ☒
7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1 (d)).  
YES ☒ NO ☐
- A. If yes, in which division do all of the non-governmental parties reside?  
Eastern Division ☒ Central Division ☐ Western Division ☐
- B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?  
Eastern Division ☐ Central Division ☐ Western Division ☐
8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)  
YES ☐ NO ☒

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Peter S. Brooks, Esq., Heidsha Batista, Esq.  
Seyfarth Shaw LLPTwo Seaport Lane, Suite 300  
ADDRESS Boston, MA 02210-2028TELEPHONE NO. (617) 946-4800

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